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MEMORANDUM

TO: HON. GILBERT J. PIAQUADIO, SUPERVISOR
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: CHAPTER 71 BUILDING CONSTRUCTION CODE UPDATE
OUR FILE NO. 800.1(B)() (2022)

DATE: DECEMBER 8, 2022

Enclosed for the Town Board's consideration in connection with the Introductory Local Law Amending Chapter 71 Entitled "Building Construction" of the Code of the Town of Newburgh please find the following resolutions:

1. Resolution of SEQR Determination: Adoption of a Proposed Local Law Amending Chapter 71 Entitled "Building Construction" of the Code of the Town of Newburgh; and
2. Resolution of Adoption of Local Law No. ___ of 2022 Amending Chapter 71 Entitled "Building Construction" of the Code of the Town of Newburgh

The proposed Negative Declaration will be forwarded under cover of a separate memorandum.

Should you have any questions or concerns, please do not hesitate to contact me.

- cc:
- Town Clerk Lisa M. Vance Ayers (via e-mail)
 - Gerald Canfield, Code Compliance Supervisor (via e-mail)
 - James Osborne, Town Engineer (via e-mail)
 - Patrick Hines, Principal, McGoey, Hauser & Edsal (via e-mail)
 - Joseph Mattina, Building Inspector (via e-mail)
 - Ronald Clum, Town Accountant (via e-mail)

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the ___th day of December, 2022 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Councilman

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF SEQR DETERMINATION: ADOPTION OF A PROPOSED LOCAL LAW AMENDING CHAPTER 71 ENTITLED "BUILDING CONSTRUCTION" OF THE CODE OF THE TOWN OF NEWBURGH

Councilman/woman _____ presented the following resolution which was seconded by Councilman/woman _____

WHEREAS, the Town Board of the Town of Newburgh has caused to be prepared a local law which will amend Chapter 71 entitled "Building Construction" of the Code of the Town of Newburgh so that the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code conforms to updated State standards; ; and

WHEREAS, the Town Board of the Town of Newburgh recognizes the importance of sound planning as a means of promoting responsible development and protecting the health, safety and general welfare of the citizens of the Town of Newburgh and otherwise fulfilling the legislative findings and intent set forth in Town Law Section 272-a and has determined that that the proposed Code amendment does not require an amendment to the Town's Comprehensive Plan; and

WHEREAS, the Town Board of the Town of Newburgh has caused an Environmental Assessment Form (the "EAF") to be prepared for the proposed adoption of said local law adding a new Chapter to the Code of the Town of Newburgh (the "Action"); and

WHEREAS, the proposed local law was introduced before the Town Board on the 14th day of November, 2022, and the Town Board conducted a public hearing held on the 12th day of December, 2022 and heard all interested parties on said proposed local law; and

WHEREAS, the Town Board has determined that the Action is an Unlisted Action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental

Conservation Law and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code; and

WHEREAS, the Town Board proposes to undertake and approve the Action and by Resolution adopted on November 14, 2022 has determined that it is the single involved agency for the Action it is proposing to directly undertake, and confirmed that it will serve as the Lead Agency for the purpose of conducting a review of this Action pursuant to the State Environmental Quality Review Act; and

WHEREAS, the Town Board has determined that the Action does not involve a federal agency; and

WHEREAS, the Town Board has undertaken further information gathering and these further analyses in recognition that conclusory statements unsupported by empirical or experimental data, scientific authorities or any explanatory information will not suffice as a reasoned elaboration for its determination of environmental significance or non-significance; and

WHEREAS, the Town Board has (i) thoroughly reviewed the EAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); and

WHEREAS, the Town Board has not identified relevant areas of environmental concern which would lead to a determination that the adoption of the proposed local law may have a significant adverse effect on the environment either in the short term, long term or cumulatively given the likely consequences, setting, probability of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected.

NOW THEREFORE, BE IT RESOLVED:

1. The Town Board, acting in its capacity as Lead Agency, does hereby determine that the Action will not have an adverse environmental impact and, accordingly, does issue a negative declaration.
2. The Town Board accordingly determines that an Environmental Impact Statement will not be prepared.
3. The Town Board hereby authorizes the Supervisor to execute and file the relevant section of the Environmental Assessment Form and a Negative Declaration with such further amendment and modification as may be required to elaborate the Lead Agency's

determination herein, in accordance with the applicable provisions of law and all other appropriate notices and documents to effectuate these resolutions in accordance with the applicable provisions of law .

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>Gilbert J. Pignatario, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

#8B

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the ___th day of December, 2022 at 7:00 P.M., Prevailing Time.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF ADOPTION OF LOCAL LAW NO. ___ OF 2022 AMENDING CHAPTER 71 ENTITLED "BUILDING CONSTRUCTION" OF THE CODE OF THE TOWN OF NEWBURGH

Councilman/woman _____ presented the following resolution which was seconded by Councilman/woman _____

WHEREAS, a Local Law Amending Chapter 71 entitled "Building Construction" of the Code of the Town of Newburgh was introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York on the 14th day of December, 2022; and

WHEREAS, the Town Board of the Town of Newburgh adopted a resolution on the 14th day of November, 2022 ordered a public hearing to be held on the 12th day of December, 2022 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on said proposed local law entitled "Local Law Amending Chapter 71 entitled 'Building Construction' to the Code of the Town of Newburgh"; and

WHEREAS, a notice of said Public Hearing was duly advertised on the ___th day of December, 2022 in The Mid-Hudson Times and posted on the Town Clerk's sign board on the ___st day of December, 2022; and

WHEREAS, the Public Hearing was duly held on the 12th day of December, 2022 at 7:00 o'clock p.m at Town Hall, 1496 Route 300, Newburgh, New York and all parties in attendance were permitted to speak on behalf or in opposition of the proposed Local Law or any part thereof; and

WHEREAS, the Town Board of the Town of Newburgh, acting as lead agency, has duly considered the adoption of said Local Law amending Chapter 71 entitled "Building Construction" to the Code of the Town of Newburgh an Unlisted Action under the State Environmental Quality Review Act and has duly issued a negative declaration; and

WHEREAS, due to the adoption of intervening local laws, said Local Law shall be designated as Town of Newburgh Local Law No. ___ of the Year 2022 upon filing; and

WHEREAS, the Town Board of the Town of Newburgh, after due deliberation finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of Newburgh hereby adopts said Local Law No. ___

of Year 2022 entitled "A Local Law Amending Chapter 71 entitled 'Building Construction' of the Code of the Town of Newburgh."

2. The Town Clerk is hereby directed to enter this resolution and said Local Law in the minutes of this meeting and the Local Law Book of the Town of Newburgh and to give due notice of the adoption of said Local Law to the Secretary of State and to the public.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Elizabeth J. Greene, Councilwoman voting _____

Paul I. Ruggiero, Councilman voting _____

Scott M. Manley, Councilman voting _____

Anthony R. LoBiondo, Councilman voting _____

Gilbert J. Piaquadio, Supervisor voting _____

The resolution was thereupon declared duly adopted.

**TOWN OF NEWBURGH
INTRODUCTORY LOCAL LAW # 6 OF 2022
A LOCAL LAW
AMENDING CHAPTER 71 ENTITLED
"BUILDING CONSTRUCTION"
OF THE CODE OF THE TOWN OF NEWBURGH**

BE IT ENACTED by the Town Board of the Town of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 71 Entitled 'Building Construction of the Code of the Town of Newburgh'".

SECTION 2 - AMENDMENT TO CHAPTER 71.

1. Chapter 71 entitled "Building Construction" of the Code of the Town of Newburgh is hereby amended, to read as follow:

**"CHAPTER 71
BUILDING CONSTRUCTION**

Article I PURPOSE AND DEFINITIONS

§71-1 Purpose and intent.

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town of Newburgh. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

§71-2 Definitions

In this local law, the following terms shall have the meanings shown in this section:

ASSEMBLY AREA

An area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

BUILDING PERMIT

A building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term "Building Permit" shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

CERTIFICATE OF COMPLIANCE

A document issued by the Town stating that work was done in compliance with approved construction documents and the Codes.

CERTIFICATE OF OCCUPANCY

A document issued by the Town certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by, the Town, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

CODE COMPLIANCE SUPERVISOR

The Code Compliance Supervisor appointed pursuant to subdivision B of §71-3 of this Chapter.

CODE ENFORCEMENT OFFICER

A code enforcement officer or assistant code enforcement officer appointed pursuant to subdivision D of §71-3 of this Chapter.

CODE ENFORCEMENT PERSONNEL

The Code Compliance Supervisor, Code Enforcement Officers and all Inspectors.

CODES

The Uniform Code and Energy Code.

ELECTRICAL INSPECTOR

A third party inspector who has the proper credentials to perform electrical inspections that confirm compliance with the National Electric Code, the Codes, local municipal codes and any electrical utility specifications that may supersede portions of the aforementioned codes.

ENERGY CODE

The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

FCNYS

The 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTION

An inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

HAZARDOUS PRODUCTION MATERIALS shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

INSPECTOR

An inspector or assistant inspector appointed pursuant to subdivision D of §71-3 of this Chapter.

MOBILE FOOD PREPARATION VEHICLES

Vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

OPERATING PERMIT

A permit issued pursuant to §71-10 of this Chapter. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

ORDER TO REMEDY

An order issued by the Code Compliance Supervisor pursuant to subdivision A of §71-17 of this Chapter.

PERMIT HOLDER

The Person to whom a Building Permit has been issued.

PERSON

An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

PMCNYS

The 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

RCNYS

The 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

REPAIR

The reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

STOP WORK ORDER

An order issued pursuant to §71-7 of this Chapter.

SUGARHOUSE

A building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

TEMPORARY CERTIFICATE OF OCCUPANCY

A certificate issued pursuant to subdivision D of §71-8 of this Chapter.

TOWN

The Town of Newburgh

UNIFORM CODE

The New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law. Such Code includes:

RCNYS;
Building Code of NY State
Plumbing Code of NY State
Mechanical Code of NY State
Existing Building Code of NY State
Fuel Gas Code of NY State
PMPYS; and
FCNYS

ARTICLE III ADMINISTRATION AND ENFORCEMENT

§71-3 Code Compliance Supervisor, Code Enforcement Officers and Inspectors

A. The Office of Code Compliance Supervisor is hereby created. The Code Compliance Supervisor shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. The Code Compliance Supervisor shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include such terms and conditions as the Code Compliance Supervisor may determine to be appropriate;

(3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this Chapter and other Chapters of the Municipal Code;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision A of §71-18 (Violations) of this Chapter;

(7) to maintain records;

(8) to collect fees as set by the Town Board of this Town;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law;

(11) to supervise and direct the Fire Inspector and Deputy Fire Inspector in the performance of their duties pursuant to Chapter 107; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Compliance Supervisor by this local law.

B. The Code Compliance Supervisor shall be appointed by the Town Board. The Code Compliance Supervisor shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Compliance Supervisor shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

C. In the event that the Code Compliance Supervisor is unable to serve as such for any reason, another individual shall be appointed by the Town Board to serve as Acting Code Compliance

Supervisor. The Acting Code Compliance Supervisor shall, during the term of such appointment, exercise all powers and fulfill all duties conferred upon the Code Compliance Supervisor by this local law.

D. One or more Code Enforcement Officers and Inspectors may be appointed by the Town Board to act under the supervision and direction of the Code Compliance Supervisor and to assist the Code Compliance Supervisor in the exercise of the powers and fulfillment of the duties conferred upon the Code Compliance Supervisor by this local law. Each Code Enforcement Officer and Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

E. The compensation for the Code Compliance Supervisor, Code Enforcement Officers and Inspectors shall be fixed from time to time by the Town Board of this Town.

F. The Code Compliance Supervisor, Code Enforcement Officers and Inspectors shall not engage in any activity inconsistent with his or her duties for the town, nor, during the time of his or her employment, nor shall he or she be engaged directly or indirectly in any building business, furnishing of labor, materials or equipment for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof within the town, excepting only that this provision shall not prohibit such Code Compliance Personnel from such activities in connection with the construction of a building or structure owned by him or her.

§71-4. Building permits

A. Building Permits Required. A Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Town.

B. This subdivision is intentionally omitted.

C. This subdivision is intentionally omitted.

D. Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Compliance Supervisor. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Compliance Supervisor deems sufficient to permit a determination by the Code Compliance Supervisor that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the location, nature, extent, and scope of the proposed work;
- (2) the tax map number and the street address of any affected building or structure;
- (3) the occupancy classification of any affected building or structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

E. Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision D of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Compliance Supervisor in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Compliance Supervisor, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

F. Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Compliance Supervisor shall approve or disapprove of the same or refer to the appropriate body within 20 working days after the filing of a complete and properly prepared application. The Code Compliance Supervisor shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. If a building permit is denied, the Code Compliance Supervisor shall state in writing the reasons for such denial. For purposes of this section, "working days" shall mean weekdays other than holidays and days when the issuing department is closed due to an emergency or for other reasons.

G. Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Compliance Supervisor of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Compliance Supervisor determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

I. Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 18 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Compliance Supervisor.

J. Revocation or suspension of Building Permits. If the Code Compliance Personnel determine that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Compliance Supervisor, Code Enforcement Officer or Inspector shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

K. Fee.

(1) The fee specified in or determined in accordance with the provisions set forth in Chapter 104 "Fees" of the Municipal Code must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

(2) No fee shall be required for such application where the owner of the improvement is a charitable or nonprofit organization and the property in question is exempt from taxation under the Real Property Tax Law.

(3) In the event that a building permit application is withdrawn by the applicant prior to approval by the Building Inspector, the applicant shall be entitled to a refund of fifty percent (50%) of the fee paid.

§71-5 Construction inspections

A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Compliance Supervisor or by an Inspector authorized by the Code Compliance Supervisor. The Permit Holder shall notify the Code Compliance office when any element of work described in subdivision B of this section is ready for inspection. Scheduling of inspections shall be at the reasonable discretion of the Code Compliance office.

B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
- (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
- (10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
- (11) a final inspection after all work authorized by the Building Permit has been completed.

C. Remote inspections. At the discretion of the Code Compliance Supervisor or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Compliance Supervisor or such authorized Inspector, the remote inspection can be performed to the same level and quality as an

in-person inspection and the remote inspection shows to the satisfaction of the Code Compliance Supervisor or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Compliance Supervisor or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in Chapter 104 of this Municipal Code must be paid prior to or at the time of each inspection performed pursuant to this section.

§71.6. Revocation or suspension of Building Permits

In addition to the circumstances set forth in Subsection J of §71-4, Code Enforcement Personnel may revoke a building permit theretofore issued and approved in the following instances:

A. Where Code Compliance Personnel find that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based;

B. Where Code Compliance Personnel find that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications; or

C. Where the person to whom a building permit has been issued fails or refuses to comply with a duly issued stop work order.

Such suspension or revocation shall remain in effect until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

§71.7. Stop work orders

A. Authority to issue. The Code Enforcement Personnel are authorized to issue Stop Work Orders pursuant to this section. Code Enforcement Personnel shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Compliance Supervisor, Code Enforcement Officer or Inspector to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building

Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Compliance Supervisor, Code Enforcement Officer or Inspector, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

B. Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Compliance Supervisor, Code Enforcement Officer or Inspector, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. Service of Stop Work Orders. The Code Compliance Supervisor, Code Enforcement Officer or Inspector shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The issuing Code Compliance Supervisor, Code Enforcement Officer or Inspector shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

D. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Compliance Personnel to correct the reason for issuing the Stop Work Order.

E. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision A of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under §71-18 (Violations) of this Chapter or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

§71-8. Certificates of occupancy and certificates of compliance

A. Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or

structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

B. Issuance of Certificates of Occupancy and Certificates of Compliance. Code Compliance Personnel shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit has been completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, where applicable, if the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Compliance Supervisor, or a Code Enforcement Officer or Inspector authorized by the Code Compliance Supervisor shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Compliance Supervisor, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to Code Compliance Personnel prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections,
- (2) flood hazard certifications,
- (3) a written statement of the results of tests performed to show compliance with the Energy Code, and
- (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

C. Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name (if any), address and tax map number of the property;
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the occupant load of the assembly areas in the structure, if any;
- (8) any special conditions imposed in connection with the issuance of the Building Permit; and

(9) the signature of the Code Compliance Supervisor, Code Enforcement Officer or Inspector issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

D. Temporary Certificate of Occupancy. Code Compliance Personnel shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Compliance Supervisor issue a Temporary Certificate of Occupancy unless the Code Compliance Supervisor, Code Enforcement Officer or Inspector determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The issuing Code Compliance Supervisor, Code Enforcement Officer or Inspector may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed 6 months, which shall be determined by the Code Compliance Supervisor, Code Enforcement Officer or Inspector and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

E. Revocation or suspension of certificates. If the Code Compliance Supervisor, Code Enforcement Officer or Inspector determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Compliance Supervisor within such period of time as shall be specified by the Code Compliance Supervisor, Code Enforcement Officer or Inspector, the Code Compliance Supervisor, Code Enforcement Officer or Inspector shall revoke or suspend such certificate.

F. Fee. The fee specified in or determined in accordance with the provisions set forth in Chapter 104 (Fees) of this Code must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

§71-9. Notification regarding fire or explosion

The chief of any fire department providing firefighting services for a property within this Town shall promptly notify the Code Compliance Supervisor of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

§71-10. Unsafe buildings, structures and equipment and conditions of imminent danger

Unsafe buildings, structures, and equipment and conditions of imminent danger in this Town shall be identified and addressed in accordance with the procedures established by Chapter 75 of this Municipal Code, as now in effect or as hereafter amended from time to time.

§71-11. Operating permits

A. Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

(1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

(i) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;

(ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

(iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

(iv) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

(v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;

(vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;

(vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;

(viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;

- (ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
 - (x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
 - (xi) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
 - (xii) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
 - (xiii) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with the permitting requirements established pursuant to Section 319 of the FCNY, as now in effect or as hereafter amended from time to time.
- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.
 - (4) buildings containing one or more assembly areas;
 - (5) outdoor events where the planned attendance exceeds 1,000 persons;
 - (6) facilities that store, handle or use hazardous production materials;
 - (7) parking garages as defined in subdivision A of §71-14 of this Chapter;
 - (8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town; and
 - (9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board of this Town. Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision A shall be required to obtain an Operating Permit prior to commencing such activity or operation.

B. Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Compliance Supervisor. Such application shall include such information as the Code Compliance Supervisor deems sufficient to permit a determination by the Code Compliance Supervisor that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Compliance Supervisor determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Compliance Supervisor, at the expense of the applicant.

C. Exemptions. Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in paragraphs (1) through (7) of subdivision A of this section, provided that the use is expressly authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance inspections are performed in accordance with §71-11 (Fire Safety and Property Maintenance Inspections) of this Chapter, and condition assessments are performed in compliance with §71-14 (Condition Assessments of Parking Garages) of this Chapter, as applicable.

C. This subdivision is intentionally omitted.

D. Inspections. The Code Compliance Supervisor or an Inspector authorized by the Code Compliance Supervisor shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Compliance Supervisor or an Inspector authorized by the Code Compliance Supervisor, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Compliance Supervisor or Inspector authorized by the Code Compliance Supervisor that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Town sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

E. Multiple Activities. In any circumstance in which more than one activity listed in subdivision A of this section is to be conducted at a location, the Code Compliance Supervisor may require a separate Operating Permit for each such activity, or the Code Compliance Supervisor may, in their discretion, issue a single Operating Permit to apply to all such activities.

F. Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

- (1) 180 days for tents, special event structures, and other membrane structures;
- (2) 60 days for alternative activities at a sugarhouse;
- (3) 3 years for the activities, structures, and operations determined per paragraph (9) of subdivision A of this section, and
- (4) 1 year for all other activities, structures, and operations identified in subdivision A of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Compliance Supervisor, payment of the applicable fee, and approval of such application by the Code Compliance Supervisor.

G. Revocation or suspension of Operating Permits. If the Code Compliance Supervisor determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

H. Fee. The fee specified in or determined in accordance with the provisions set forth in Chapter 104 of this Municipal Code must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

§71-12. Fire safety and property maintenance inspections

A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Compliance Supervisor or an Inspector designated by the Code Compliance Supervisor at the following intervals:

- (1) at least once every 12 months for buildings which contain an assembly area;
- (2) at least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
- (3) at least once every thirty-six months for multiple dwellings and all nonresidential occupancies.

B. Remote inspections. At the discretion of the Code Compliance Supervisor or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Compliance Supervisor or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Compliance Supervisor or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Compliance Supervisor or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

C. Inspections permitted. In addition to the inspections required by subdivision A of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Compliance Supervisor or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) receipt by the Code Compliance Supervisor of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Compliance Supervisor of any other information, reasonably believed by the Code Compliance Supervisor to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

D. OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in Chapter 104 (Fees) of this Municipal Code must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

§71-13. Complaints

Code Compliance Personnel shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Compliance Supervisor may deem to be appropriate:

A. performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

B. if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in §71- 18 (Violations) of this chapter;

C. if appropriate, issuing a Stop Work Order;

D. if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§71-14. Condition assessments of parking garages

A. Definitions. For the purposes of this section:

(1) the term "condition assessment" means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building

component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

(2) the term "deterioration" means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

(3) the term "parking garage" means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

(i) buildings in which the only level used for parking or storage of motor vehicles is on grade;

(ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and

(iii) a townhouse unit with attached parking exclusively for such unit;

(4) the term "professional engineer" means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

(5) the term "responsible professional engineer" means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term "responsible professional engineer" shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

(6) the term "unsafe condition" includes the conditions identified as "unsafe" in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and

(7) the term "unsafe structure" means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

B. Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision C of this section, periodic condition assessments as described in subdivision D of this section, and such additional condition assessments as may be required under subdivision E of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town, in accordance with the requirements of subdivision F of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking

garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

C. Initial Condition Assessment. Each parking garage shall have undergone an initial condition assessment as follows:

(1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

(i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.

(3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to a date not more than six (6) months after the effective date of this local law.

D. Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed 3 years.

E. Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision C of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the Town becomes aware of any new or increased deterioration which, in the judgment of the Town, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision C of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the

parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town to be appropriate.

F. Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Town within 30 days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
- (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
- (3) an evaluation and description of the unsafe conditions;
- (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
- (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
- (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
- (7) the responsible professional engineer's recommendation regarding preventative maintenance;
- (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
- (9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

G. Review Condition Assessment Reports. The Town shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in

such report. In particular, but not by way of limitation, the Town shall, by Order to Remedy or such other means of enforcement as the Town may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision F. All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Town to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

H. The Town shall retain all condition assessment reports for the duration of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town with a written statement attesting to the fact that he or she has been so engaged, the Town shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

I. This section shall not limit or impair the right or the obligation of the Town:

(1) to perform such construction inspections as are required by §71-5 (Construction Inspections) of this Chapter;

(2) to perform such periodic fire safety and property maintenance inspections as are required by §71-12 (Fire Safety and Property Maintenance Inspections) of this Chapter; and/or

(3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

§71-15. Climatic and geographic design criteria

A. The Code Compliance Supervisor shall determine the climatic and geographic design criteria for buildings and structures constructed within this Town as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

- (i) the accompanying Flood Insurance Rate Map (FIRM);
- (ii) Flood Boundary and Floodway Map (FBFM); and
- (iii) related supporting data along with any revisions thereto.

B. The Code Compliance Supervisor shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision A of this section, shall maintain such record within the office of the Code Compliance Supervisor, and shall make such record readily available to the public.

§71-16. Record keeping

A. The Code Compliance Supervisor shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all condition assessment reports received;
- (9) all fees charged and collected; and
- (10) all other features and activities specified in or contemplated by §71-3 through 71-15, inclusive, of this Chapter

B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

§71-17. Program review and reporting

A. The Code Compliance Supervisor shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Compliance Supervisor and the Inspectors, including a report and summary of all transactions and activities described in §71-16 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

B. The Code Compliance Supervisor shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

C. The Code Compliance Supervisor shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Town is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

§71-18 Violations

A. Orders to Remedy. The Code Compliance Supervisor is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Compliance Supervisor; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by _____ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Compliance Supervisor may deem appropriate, during the period while such violations are being remedied. The Code Compliance Supervisor shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5)

days after the date of the Order to Remedy. The Code Compliance Supervisor shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

B. Appearance Tickets. The Code Compliance Supervisor and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

C. Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy or other notice or order issued by the Code Compliance Supervisor pursuant to any provision of this local law, shall be punishable by a fine of not more than \$250 per day of violation, or imprisonment not exceeding 15 days, or both; and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this Chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy or other notice or order issued by the Code Compliance Supervisor pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Town.

D. Injunctive Relief. An action or proceeding may be instituted in the name of this Town in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Compliance Supervisor pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town.

E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or

penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in §71-7 (Stop Work Orders) of this Chapter, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in §71-7 (Stop Work Orders) of this Chapter, in any other section of this Chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law. In addition, the Code Compliance Supervisor may compromise and settle any violation by way of a civil settlement or compromise or consent order.

ARTICLE III ELECTRICAL INSPECTIONS

§71-19 Authorized inspection agencies

Each of the duly appointed Electrical Inspectors of such authorized inspection agencies as the Town Board may appoint by formal resolution, upon such reasonable conditions as the Town Board deems appropriate, including but not limited to establishment of a uniform, reasonable fee, are hereby authorized and deputized as agents of the town to make inspections and reinspections of all electrical installations hereinafter described and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against the town.

§71-20 Duties of Electrical Inspector

- A. It shall be the duty of each Electrical Inspector to report to the Code Compliance Supervisor all violations of or deviations from or omissions of the electrical provisions of the National Electrical Code and this Municipal Code. The Electrical Inspector shall make inspections and reinspections of electrical installations in and on properties in the town upon the written request of Code Compliance Personnel or the Fire Inspector or as herein provided.
- B. Electrical Inspectors are authorized to make inspections and reinspections of electrical wiring installations, devices, appliances and equipment in and on properties within the town where the Electrical Inspector deems it necessary for the protection of life and property, with the exception of single-family dwellings. The Electrical Inspector shall inspect single-family dwellings only upon request of the Code Compliance Personnel or the Fire Inspector.
- C. In the event of an emergency, it is the duty of the Electrical Inspector to make electrical inspections upon the oral request of an official or officer of the town.

D. It shall be the duty of the Electrical Inspector to furnish written reports to the proper officials of the town and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection.

E. Electrical Inspectors shall authorize the issuing of a certificate of compliance when electrical installations and equipment are in conformity with the National Electrical Code or with the Municipal Code and the Electrical Inspector shall direct that a copy of the certificate of compliance be sent to the Code Compliance Supervisor.

§71-21 Schedule of Rates

The schedule of rates charged for electrical inspection shall be filed with the Town Clerk and the Code Compliance Supervisor.

§71-22 Exemption permits

A. The Code Compliance Supervisor is empowered and directed to issue a permit granting exemption from the provisions of this Article to each person, firm or corporation engaged in the conduct of manufacturing in or on properties in the town upon written application of such person, firm or corporation, hereinafter called the "applicant," setting forth that:

(1) The applicant is engaged in the conduct of manufacturing in the town.

(2) The applicant regularly employs one (1) or more journeyman electricians, whose principal duties are the installation, maintenance and repair of electrical machinery, appliances, equipment and wiring for electric light, heat or power, hereinafter called "electrical work," in or upon the premises used by the applicant in the conduct of manufacturing.

(3) By reason of the amount and frequency of electrical work so performed upon the applicant's premises, compliance with the provisions of this Article would impose an undue burden on the applicant's conduct of manufacturing operations.

B. The term "journeyman electrician" shall mean a person who has completed an apprentice course or received equivalent training or has equivalent experience of at least three (3) years in electrical work.

C. Each permit so issued shall be for a period of one (1) year, and such permit shall be renewed for successive one-year periods upon supplemental application by the applicant certifying that the statements contained in the original application remain true and correct.

§71-23 Exceptions

- A. The provisions of this Article shall not apply to the electrical installations in mines, ships, railway cars or automotive equipment or the installations or equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility and located outdoors or in buildings used exclusively for that purpose.
- B. This Article shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as his or its principal business.
- C. This Article shall not apply to any building which is owned or leased in its entirety by the government of the United States or the State of New York.

§71-24 No waiver or assumption of liability

This Article shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the town or any other duly appointed inspection agency be deemed to have assumed any such liability by reason of any inspection made pursuant to this Article.

§71-25 Violations of Article

- A. It shall be a violation of this Article for any person, firm or corporation to install or cause to be installed or to alter or repair electrical wiring for light, heat or power in or on properties in the town until an application for inspection has been filed with the duly appointed inspection agency.
- B. It shall be a violation of this Article for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power to any source of electrical energy supply prior to the issuance of a temporary certificate or a certificate of compliance by the duly appointed inspection agency.

ARTICLE IV FEES

§71-26 Fees

The fees set forth in or determined in accordance with Chapter 104, Fees, as it may be amended from time to time shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Compliance Supervisor described in or contemplated by this Chapter.

ARTICLE V. INTERMUNICIPAL AGREEMENTS

§71-27. Intermunicipal agreements

The Town Board of this Town may, by resolution, authorize the Supervisor of this Town to enter into an agreement or agreements, in the name of this Town with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law."

SECTION 3 - NO DEFENSE

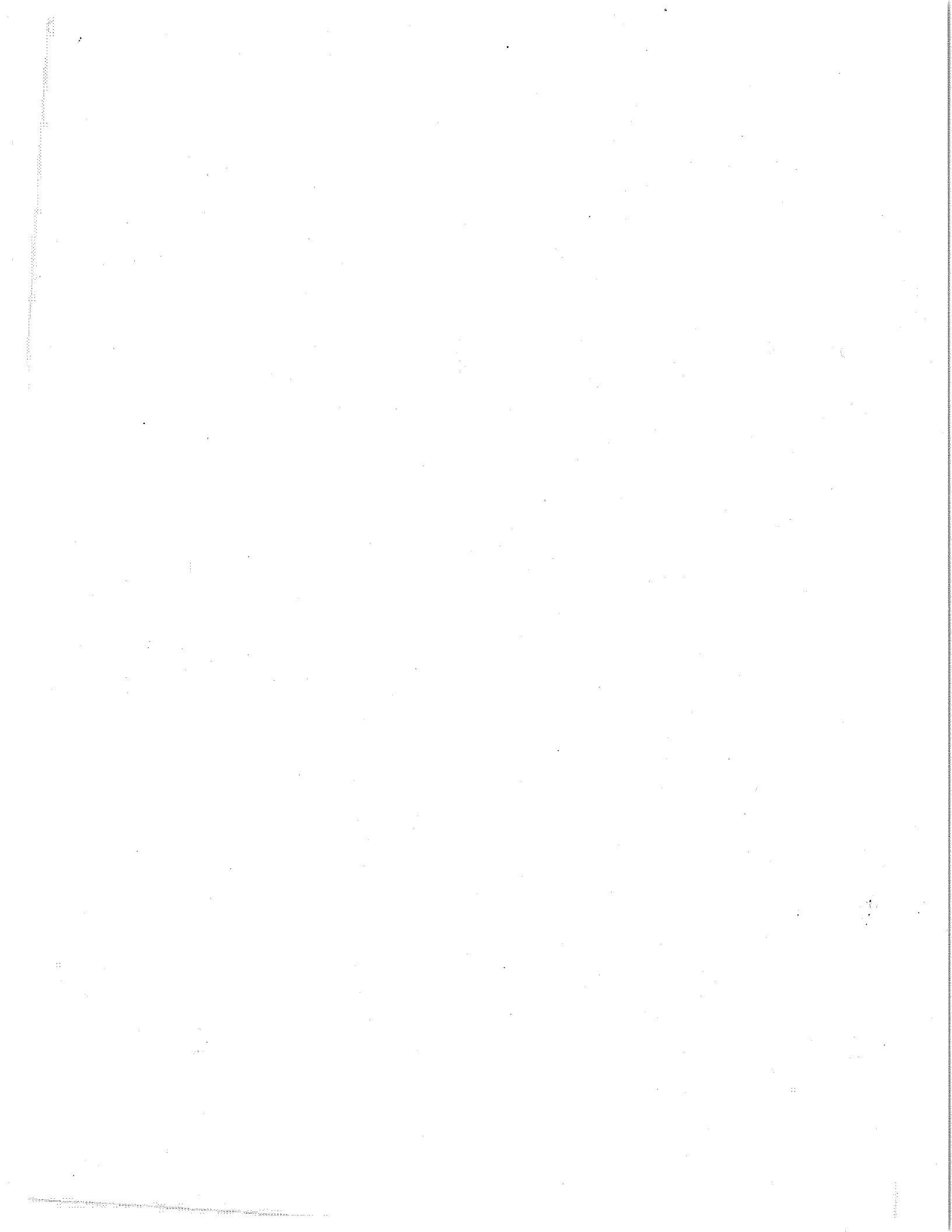
Any activity, use of premises, land or building or structure or part thereof for purposes of unlawful conduct existing at the time this local law, or amendments thereto, becomes effective, may not be continued, and such use shall not serve to create a lawful, nonconforming use, or serve as a valid defense to enforcement of this local law.

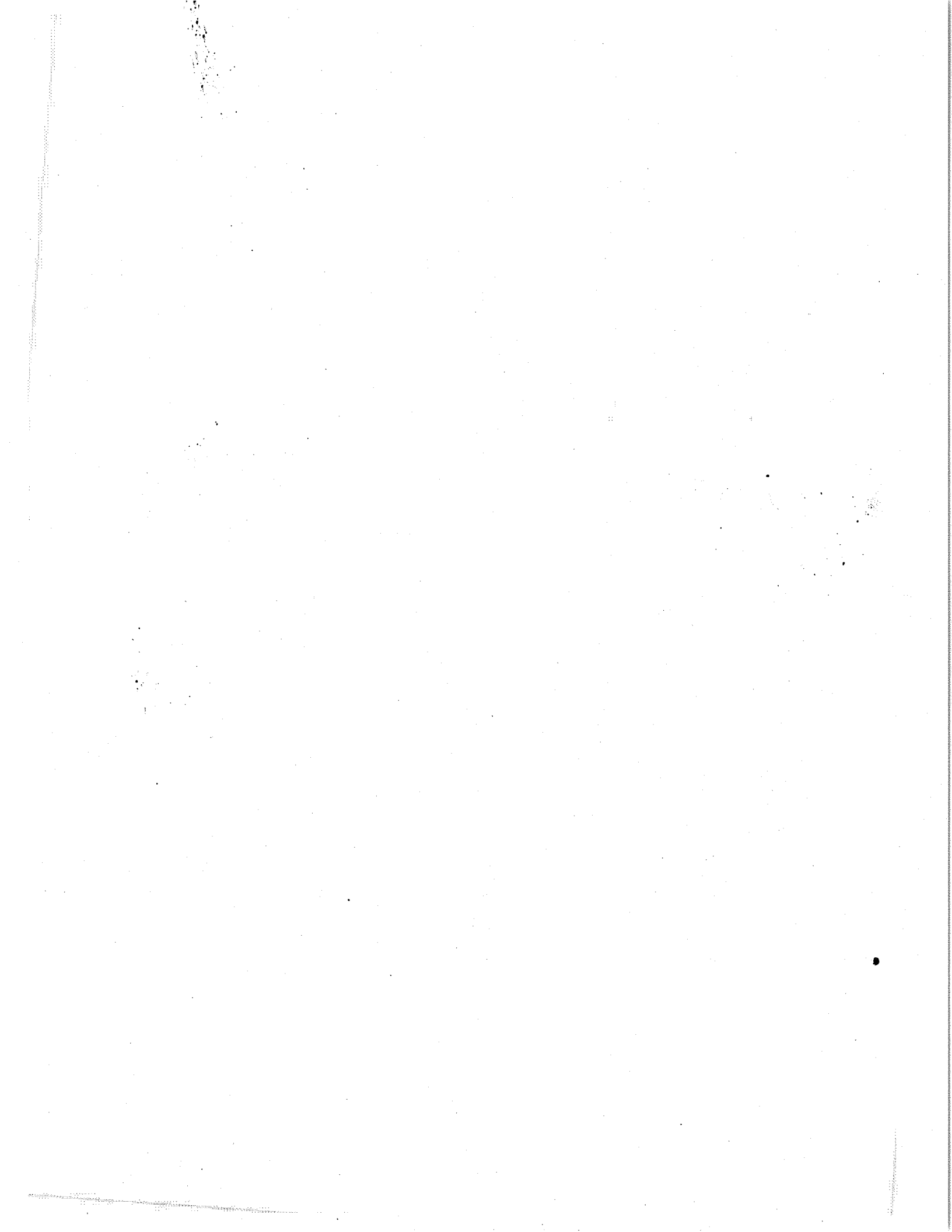
SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.





TOWN OF NEWBURGH

**INTRODUCTORY LOCAL LAW NO. 7 OF THE YEAR 2022
AMENDING CHAPTER 104 ENTITLED
"SCHEDULE OF FEES"**

**OF THE CODE OF THE TOWN OF NEWBURGH:
WATER AND SEWER RATES
EFFECTIVE JANUARY 1, 2023
AND SITE PLAN AND OPERATING PERMIT APPLICATION FEES**

BE IT ENACTED by the Town Board of the Town of Newburgh, County of Orange as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 104 entitled 'Schedule of Fees' of the Code of the Town of Newburgh: Water and Sewer Rates Effective January 1, 2023 and Site Plan and Operating Permit Application Fees".

SECTION 2 - AMENDMENTS TO CHAPTER 104

That Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code is amended as follows:

1. Subsection 104-2(B)(1)(b) of Section 104-2 entitled "Planning, zoning and building fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

~~"(b) Commercial site: \$1,500, plus \$250 per 1,000 square feet of floor area for the first 200,000 square feet and \$100 per 1,000 square feet of the floor area greater than 200,000 square feet"~~

2. Subsection C of Section 104-2 entitled "Planning, zoning and building fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended as follows:

A new sub-subsection 104-2C(8) is hereby added to read as follows:

"(8) Upon filing of an application for an operating permit, the following fee shall be charged: \$100".

3. Subsection 104-3(B)(2) of Section 104-3 entitled "Sanitation and water fees" of Chapter

104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

"(2) Meter rates. Meter rates for the sale of water to all consumers within the Consolidated Water District and Colden Park Water District of the Town of Newburgh and the duly constituted extensions thereto, excluding water sold to the Town of New Windsor, the New York State Thruway Authority or outside-the-district users, shall be as follows:

Usage Per Quarter	Rate
First 7,500 gallons	<u>\$24.00</u> (minimum charge per quarter)
Next 10,000 gallons	<u>\$4.72</u> per 1,000 gallons
Next 82,500 gallons	<u>\$5.40</u> per 1,000 gallons
Over 100,000 gallons	<u>\$6.40</u> per 1,000 gallons

- (a) A penalty equal to 5% of the original bill shall be added to the metered water charges if not paid in full within 30 days from the due and payable date.
- (b) The Town of New Windsor, the Town of Marlborough, the City of New York and the New York State Thruway Authority and the outside-the-district users will pay rates and charges as per agreements entered into with the town. In the event that water assessments under the benefit formula cannot be made applicable for any reason to any consumer and any agreement between the town and such users does not reflect payment of the same in one form or another, the town reserves the right to surcharge such users as to meter rates so as to provide for equitable payment of all charges between all users, said surcharge to be applicable in the last calendar quarter charge.
- (c) The water rates for the Stewart ANG Base Water District consumer(s) will be established by the Town Board from time to time in accordance with New York State Town Law Section 198. Unpaid water charges in arrears for 30 days or longer shall be subject to such penalty as the Town Board may provide for by resolution subject to the limit established by Town Law Section 198."

4. Subsection 104-3(C)(1) of Section 104-3 entitled "Sanitation and water fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

"(1) Sewer operation and maintenance charge.

Sewer District	Rate/Fee (per gallons consumed per premises)
Crossroads Consolidated	<u>\$6.24</u> per 1,000 gallons
Nob Hill	<u>\$.00872</u> /gallon

The following minimum operating and maintenance charge

shall apply to all connected properties, including but not

limited to those without water meters:

\$36.00 per quarter"

2. Subsection 104-3(C)(3) of Section 104-3 entitled "Sanitation and water fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

"(3) Combined Operation and
Maintenance and Facility Charge
Roseton Hills Sewer District

**\$149.00 per each residential dwelling unit, whether
or not an apartment or condominium unit on each
parcel as listed on the latest completed Assessment
Roll of the Town per quarter"**

SECTION 3 - UNCONSTITUTIONALITY OR ILLEGALITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4 - EFFECTIVE DATE

This Local Law shall take effect on the later of the date it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law or January 1, 2023.

#16

Town Board 12/12

12/26 TB

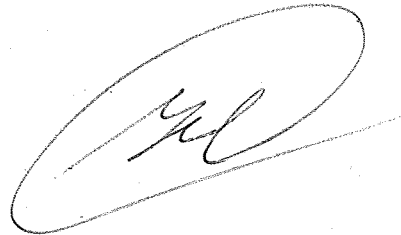
December 26th Workshop Agenda Item

Jim Gucciardo, CSEA President, received quotes for Uniforms from three vendors.

Based on the result of these quotes, Mr. Gucciardo is recommending Mr. Print.

As the vendor of choice

I am looking for a motion to purchase Uniforms from Mr. Print of New Windsor, New York, with the pricing on November 16, 2022, attached.

A handwritten signature in black ink, consisting of a large, stylized loop followed by the letters 'JG'.

From: info@mrprint845.com
Sent: Wednesday, November 16, 2022 3:50 PM
To: highwaydept@townofnewburgh.org
Subject: ATTN: Jim Gucciando

Dear Jim,

Hello my name is Greg Rivera owner of Mr. Print located in New Windsor and was referred to you by my good friend Constantino Desousa I am just getting back to you guys and giving you a breakdown of pricing below. Let us know if you would like to move forward with us and we will be extremely happy to accommodate you guys with any of your printing needs! These prices are with print included as well. Thank you.

Port Short Sleeve Tee S-XL \$5.45
Port Short Sleeve Tee 2XL \$8.70
Port Short Sleeve Tee 3-4XL \$9.70
Port Short Sleeve Tee TALL LT-XLT \$8.20
Port Short Sleeve Tee TALL 2XLT \$10.40
Port Short Sleeve Tee TALL 3XLT \$10.50
Port Long Sleeve Tee S-XL \$9.22
Port Long Sleeve Tee 2XL \$11.22
Port Long Sleeve Tee 3XL \$11.52
Gildan Crewneck Sweatshirt S-XL \$12.20
Gildan Crewneck Sweatshirt 2XL \$15.25
Gildan Crew Neck Sweatshirt 3-4XL \$16.50
Port Crewneck TALL LT-XLT \$16.00
Port Crewneck TALL 2XLT \$16.50
Port Crewneck Tall 3XLT \$18.00
Port Hooded Fleece S-XL \$17.00
Port Hooded Fleece 2XL \$18.00
Port Hooded Fleece 3-4XL \$20.00
Port Hooded Fleece TALL LT-XLT \$23.30
Port Hooded Fleece TALL 2XLT \$27.20
Port Hooded Fleece TALL 3XLT \$28.20
Port Hooded Fleece TALL 4XLT \$31.50
Sport-Tek Heavyweight 12oz. S-XL \$33.19
Sport-Tek Heavyweight 12oz. 2XL \$34.19
Sport-Tek Heavyweight 12oz. 3XL \$36.19
Sport-Tek Heavyweight 12oz. 4XL \$38.00
Camber Thermal Zip Hood 19 OZ. S-XL \$74.00
Camber Thermal Zip Hood 19 OZ. 2XL \$76.00
Camber Thermal Zip Hood 19 OZ. 3XL \$78.00
Camber Thermal Zip Hood 19 OZ. TALL LT-XLT \$81.50
Camber Thermal Zip Hood 19 OZ. TALL 2XLT \$83.50
Camber Thermal Zip Hood 19 OZ. TALL 3XLT \$90.20
Performance Sleeveless Shirt S-XL \$6.81
Performance Sleeveless Shirt 2XL \$7.81
Performance Sleeveless Shirt 3XL \$9.00
Cotton Tank Top S-XL \$6.00

Cotton Tank Top 2XL \$8.00
Cotton Tank Top 3-4XL \$9.00
Hi Vis Bomber w/ Zip Outer lining Fleece S-XL \$85.00
Hi Vis Bomber w/ Zip Outer lining 2XL \$87.00
Hi Vis Bomber w/ Zip Outer lining 3-4XL \$89.00
Ladies V Neck S-XL \$6.50
Ladies V Neck 2XL- \$8.50
Ladies V Neck 3XL- \$9.50

Best Regards, Greg Rivera

Mr. Print INC.

61 Quassaick Ave.

New Windsor, NY

12553

Suite 400

Email- Mrprinter845@gmail.com

Phone- 845-207-8337

TOWN OF NEWBURGH

1496 Route 300
Newburgh, New York 12550

Department

NAME

2022

CSEA

UNIFORMS

Quantity	Description of Materials or Services	Unit Price	Amount
	Port Short Sleeve Teeshirts Size MD LG XL	\$5.45	
	Port Short Sleeve Teeshirts Size 2X	\$8.70	
	Port Short Sleeve Teeshirts Size 3X 4X	\$9.70	
	Port Short Sleeve Teeshirts Size TALL L XL	\$8.20	
	Port Short Sleeve Teeshirts Size TALL 2X	\$10.40	
	Port Short Sleeve Teeshirts Size Tall 3X	\$10.50	
	Port Long Sleeve Teeshirts Size MD LG XL	\$8.90	
	Port Long Sleeve Teeshirts Size 2X	\$11.10	
	Port Long Sleeve Teeshirt Size 3X	\$11.40	
	Port Crewneck Sweatshirt MD LG XL	\$12.70	
	Port Crewneck Sweatshirt 2X	\$16.25	
	Port Crewneck Sweatshirt 3X 4X	\$17.15	
	Port Crewneck Sweatshirt TALL LG XL	\$15.50	
	Port Crewneck Sweatshirt TALL 2X	\$18.50	
	Port Crewneck Sweatshirt TALL 3X	\$19.50	
	Port Hooded Fleece MD LG XL	\$19.50	
	Port Hooded Fleece 2X	\$24.70	
	Port Hooded Fleece 3X 4X	\$27.00	
	Port Hooded Fleece TALL LG XL	\$23.30	
	Port Hooded Fleece TALL 2X	\$27.20	
	Port Hooded Fleece TALL 3X	\$28.20	
	Port Hooded Fleece TALL 4X	\$31.50	
	Port Hooded Fleece 12 OZ. MD LG XL	\$35.30	
	Port Hooded Fleece 12 OZ. 2X	\$37.50	
	Port Hooded Fleece 12 OZ. 3X	\$38.50	
	Port Hooded Fleece 12 OZ. 4X	\$39.50	
	Camber Thermal Zip Hood 19 OZ. MD LG XL	\$74.00	
	Camber Thermal Zip Hood 19 OZ. 2X	\$76.00	
	Camber Thermal Zip Hood 19 OZ 3X	\$78.00	
	Camber Thermal Zip Hood TALL 19 OZ. MD LG XL	\$81.50	
	Camber Thermal Zip Hood TALL 19 OZ. 2X	\$83.50	
	Camber Thermal Zip Hood TALL 19 OZ. 3X	\$90.20	
	Performance Sleeveless Shirt SAFETY GREEN ONLY MD LG XL	\$8.00	
	Performance Sleeveless Shirt SAFETY GREEN ONLY 2X	\$10.40	
	Performance Sleeveless Shirt SAFETY GREEN ONLY 3X	\$12.00	
	Cotton Tank Top MD LG XL	\$8.90	
	Cotton Tank Top 2X	\$10.50	
	Cotton Tank Top 3X 4X	\$11.40	
	Hi Vis bomber with zip our fleece liner Med-XL	\$85.00	
	Hi Vis bomber with zip out fleece liner 2X	\$87.00	
	Hi Vis bomber with zip out fleece liner 3X 4X	\$89.00	
	Ladies V Neck Teeshirt SM MD LG XL	\$8.74	
	Ladies V Neck Teeshirt 2XL	\$10.80	
	Ladies V Neck Teeshirt 3XL	\$11.82	
	TOTAL		\$300.00

CLAIMANT'S CERTIFICATION SIGNATURE

\$300.00

and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

Town of Newburgh Highway
2023 Price List



227 South Plank Road
Newburgh, NY 12550
Phone: 845.566.0060
Fax: 845.566.0610
apparel@PrintYourLogo.net
www.PrintYourLogo.net

Item	Price w/shirt
PC55 - Core Blend Tee	\$ 6.35
PC55-2XL	\$ 8.93
PC55-3XL	\$ 11.40
PC55-4XL	\$ 11.40
PC55T - Tall Core Blend Tee	\$ 8.20
PC55T-2XL	\$ 11.64
PC55T-3XL	\$ 12.51
PC55T-4XL	\$ 12.51
PC55LS - Long Sleeve Core Blend Tee	\$ 10.20
PC55LS-2XL	\$ 12.10
PC55LS-3XL	\$ 13.40
PC55LS-4XL	\$ 13.40
PC90 - Essential Fleece Crewneck Sweatshirt	\$ 17.31
PC90-2XL	\$ 19.40
PC90-3XL	\$ 21.99
PC90-4XL	\$ 21.99
PC90T - Tall Essential Fleece Crewneck Sweatshirt	\$ 19.60
PC90T-2XL	\$ 21.01
PC90T-3XL	\$ 23.60
PC90T-4XL	\$ 23.60
PC90H - Essential Fleece Pullover Hooded Sweatshirt	\$ 24.25
PC90H-2XL	\$ 29.09
PC90H-3XL	\$ 32.38
PC90H-4XL	\$ 32.38
PC90HT - Tall Essential Fleece Pullover Hooded Sweatshirt	\$ 27.10
PC90HT-2XL	\$ 30.70
PC90HT-3XL	\$ 33.99
PC90HT-4XL	\$ 33.99
F281 - Super Heavyweight Pullover Hooded Sweatshirt	\$ 38.99
F281-2XL	\$ 40.60
F281-3XL	\$ 43.83

Town of Newburgh Highway
2023 Price List



227 South Plank Road
Newburgh, NY 12550
Phone: 845.566.0060
Fax: 845.566.0610
apparel@PrintYourLogo.net
www.PrintYourLogo.net

Item	Price w/shirt
F281-4XL	\$ 45.44
131 - Camber Thermal Lined Zip Hood	\$ 81.75
CAMBER 131-2XL	\$ 86.67
CAMBER 131-3XL	\$ 90.62
CAMBER 131-4XL	\$ 95.94
131-T - Camber Thermal Lined Zip Hood-Tall	\$ 88.44
CAMBER 131T-2XL	\$ 93.28
CAMBER 131T-3XL	\$ 98.60
CAMBER 131T-4XL	\$ 104.81
TT11M - Men's Zone Performance Muscle T-Shirt	\$ 8.36
TT11M-2XL	\$ 10.40
TT11M-3XL	\$ 12.00
TT11M-4XL	\$ 13.70
LPC450V - Ladies Fan Favorite V Neck Tee	\$ 8.74
LPC450V-2XL	\$ 10.80
LPC450V-3XL	\$ 11.82
PC54TT - Core Cotton Tank Top	\$ 8.90
PC54TT-2XL	\$ 10.50
PC54TT-3XL	\$ 11.40
PC54TT-4XL	\$ 11.40
UC466 - Hi-Vis Classic Bomber Jacket	\$ 88.77
UC466-2XL	\$ 89.00
UC466-3XL	\$ 91.00
UC466-4XL	\$ 91.00



- [<< Return to Store](#)
- [<< Return to Store](#)
- [Town of Newburgh Highway](#)
- [Company Details](#)
- [Contacts](#)
- [Quotes](#)
- [Purchases](#)
- [Designs](#)
- [Saved layouts](#)
- [Artwork Approvals](#)
- [Payment Required](#)
- [Payment history](#)
- [Statements](#)

- My Account
- [Profile](#)
- [Quotes 5](#)
- [Purchases 14](#)
- [Designs 3](#)
- [Saved layouts 0](#)
- [Artwork Approvals 0](#)
- [Logout](#)

Quotes > 666548

Actions

- [Reject quote](#)
- [Approve quote](#)
- [PDF](#)



Awaiting Approval

QUOTE

Personalize It
 227 S. Plank Road Newburgh, New York 12550
 United States
<http://printyourlogo.net>

Quote # 666548



Job Name	Ciaccio - BACKORDERS
Date	18/Oct/2022
Valid Until	17/Nov/2022
Shipping	Customer Pick U
	Personalize It

Fusion Graphix, Inc.

1130 State Route 17K
 Montgomery, NY 12549

Estimate

Date	Estimate #
11/1/2022	1250

Name / Address
Town of Newburgh DPW

			Project
Description	Qty	Rate	Total
All Prices Include - 1 Color front Imprint			
PC55 - Screen Printed Basic Tee	1	5.95	5.95
PC55T - Tall Screen Printed Basic Tee	1	8.95	8.95
PC55LS - Screen Printed Long Sleeve Tee	1	9.95	9.95
PC90 - Screen Printed Crew Neck Sweatshirt	1	16.95	16.95
PC90T - Tall Screen Printed Crew Neck Sweatshirt	1	19.95	19.95
PC90H - Screen Printed Hoodie	1	21.95	21.95
PC90HT - Tall Screen Printed Hoodie	1	29.95	29.95
F281 12 oz. - Screen Printed Hoodie	1	39.95	39.95
Camber USA Thermal 19 oz. - Screen Printed Hoodie	1	79.95	79.95
Camber USA Thermal 19 oz Tall - Screen Printed Hoodie	1	84.95	84.95
TT11M - Screen Printed Performance Sleeveless Tee	1	9.95	9.95
PC54TT - Screen Printed Tank	1	9.95	9.95
GSS 8003/8004 Hi Ziv Bomber Black Bottom Removable Fleece	1	89.00	89.00
Liner Jacket - Embroidered			
LPC54V - Ladies V Neck Screen Printed Basic Tee	1	7.95	7.95
Upcharge 2XL	1	2.00	2.00
Upcharge 3XL	1	3.00	3.00
Upcharge 4XL	1	4.00	4.00
		Subtotal	\$444.35
		Sales Tax (8.125%)	\$0.00
		Total	\$444.35

highwaydept@townofnewburgh.org

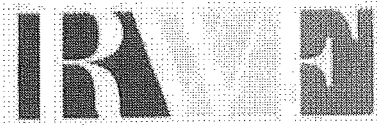
From: fusiongraphixinvoice@gmail.com
Sent: Tuesday, November 1, 2022 10:49 AM
To: highwaydept@townofnewburgh.org
Subject: ESTIMATE from Fusion Graphix, Inc.
Attachments: Est_1250_from_Fusion_Graphix_Inc_10400.pdf

Please review the attached estimate- 1250. Feel free to contact us if you have any questions.

We look forward to working with you!

Fusion Graphix Inc.
1130 State Route 17K
Montgomery, NY 12549
(845) 457-7746
www.MyFusionGraphix.com

#17A



Rider Weiner & Frankel P.C.
ATTORNEYS & COUNSELORS AT LAW

Attorney-Client privileged
MEMORANDUM

TO: HON. GILBERT J. PIAQUADIO, SUPERVISOR
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: SETTLEMENT OF TAX CERTIORARI (2018, 2019, 2020,
2021 AND 2022);
KH ORANGE REALTY, LLC (7 ROUTE 17k)
OUR FILE NO. 800.24

DATE: DECEMBER 8, 2022

P: 845.562.9100
F: 845.562.9126
655 Little Britain Road
New Windsor, NY 12553
P.O. Box 2280
Newburgh, NY 12550

ATTORNEYS
David L. Rider
Charles E. Frankel
Michael J. Matsler
Mark C. Taylor
Deborah Weisman-Estis
M. Justin Rider

M. J. Rider
(1906-1968)
Elliott M. Weiner
(1915-1990)

COUNSEL
Stephen P. Duggan, III
John K. McGuirk
(1942-2018)

OF COUNSEL
Craig F. Simon
Irene V. Villacci

Enclosed are copies of a letter from Cathy Drobny, Esq. of E. Stewart Jones, Hacker Murphy regarding the above referenced proposed settlement, a proposed Consent Order and Judgment and charts showing the claimed refund liabilities and the approximate refunds that will be due from the taxing jurisdictions under the proposed settlement of the above referenced real property tax assessment appeal. Also enclosed is a map showing the location of the tax parcel which is the subject of the proceedings which contains a school bust company facility on NYS Route 17K.

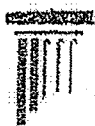
The settlement provides for a discontinuance/\$0 reduction of the 2018, 2019 and 2020 proceeding and a reduction in assessed value of \$26,000 from \$476,000 to \$450,000 for 2021, and a reduction of \$56,100 from \$476,000 to \$419,900 for 2022. The Consent Order and Judgment specifies that the provisions of RPTL Section 727 apply, holding the Assessed Value at the \$1,300,000 for the 2023, 2024 and 2025 assessment rolls, subject to the statutory exceptions.

The chart indicates that the refund liability for the Town (including Highway but not including special districts and the Fire District) will be approximately \$1,279.02 versus claimed refund liability of approximately \$26,954.94. The Newburgh Enlarged City School District's attorneys will be signatories on the Consent Order and Judgment as well.

Also attached is a proposed resolution which would authorize the Settlement.

MCT/sel
Enc.

cc: Lisa M. Vance Ayers, Town Clerk
Molly Carhart, Assessor (via e-mail)
Joseph P. Pedi, Receiver of Taxes (via e-mail)
Ronald Clum, Town Accountant (via e-mail)
Cathy L. Drobny, Esq. (via e-mail)



E. STEWART
Jones Hacker Murphy LLP
ATTORNEYS & COUNSELORS AT LAW

October 10, 2022

Please send all mail to:
SCHEENECTADY

MAIN OFFICE:
28 SECOND STREET
TROY, NY 12180

200 HARBORSIDE DRIVE, SUITE 300
SCHEENECTADY, NY 12305

511 BROADWAY
SARATOGA SPRINGS, NY 12865

41 STATE STREET, SUITE 604-05
ALBANY, NY 12207

PHONE: (518) 274-5820
FAX: (518) 274-5875

www.joneshacker.com

VIA E-MAIL - mtaylor@riderweiner.com

Mark C. Taylor, Esq.
Rider, Weiner & Frankel, P.C.
P.O. Box 2280
Newburgh, New York 12550

RE: KH Orange Realty, LLC v. Town of Newburgh
Index Nos. EF007908-2018, EF005795-2019, EF003244-2022,
EF004951-2021, EF003717-2022
Our File No. 5018.173

Dear Mark:

Attached please find the proposed Consent Order and Judgment relative to the above-referenced matter. There are currently five years pending.

The subject parcel is a truck terminal, approximately 20,184 sq. ft., located at 7 Route 17K (Tax Map #97-1-28.1). The FMV as assessed ranges from is \$1,400,000 in 2018 to \$1,927,100 in 2022 (assessed value is \$476,000 for all years). After review of the income and expense statement and properties similar to the subject, this settlement was negotiated.

The proposed settlement discontinues the 2018, 2019 and 2020 proceedings and reduces the 2021 proceeding to an equalized FMV of \$1,592,920 (AV \$450,000) and the 2022 to an equalized FMV of \$1,700,000 (AV \$419,900). The 2022 assessed value as reduced will be held for 2023, 2024 and 2025 pursuant to RPTL §727, subject to the statutory exceptions. After considering the costs of trial-ready appraisals and future litigation expenses, we feel that this is a good settlement.

I have attached for your review a copy of the refund liability charts, which show the potential liability versus the proposed settlement refund liability.

We recommend that the Town Board authorize us to enter into this settlement as proposed. Please place this matter on the agenda for the next Newburgh Town Board meeting for approval. Once the Resolution passes, please let me know and I will sign the Order.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

E. STEWART JONES HACKER
MURPHY LLP

By: 

Cathy L. Drobny
cdrobny@joneshacker.com
Direct Dial: (518) 213-0116

CLD:kah
Attachments

cc: Molly Carhart, Assessor
Gilbert Piquadio, Supervisor

STATE OF NEW YORK
SUPREME COURT COUNTY OF ORANGE

In the Matter of

KH ORANGE REALTY, LLC,

Petitioner,

**CONSENT ORDER
AND JUDGMENT**

-against-

Index Nos. EF007908-2018
 EF005795-2019
 EF003244-2020
 EF004951-2021
 EF003717-2022

THE ASSESSOR AND THE BOARD OF ASSESS-
MENT REVIEW OF THE TOWN OF NEWBURGH,
AND THE TOWN OF NEWBURGH, COUNTY OF
ORANGE, NEW YORK,

Respondents.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned, who are the attorneys of record for the above parties with full, direct and actual authority of their respective clients to do the same, that said proceedings shall be settled and compromised in the following manner:

1. These special proceedings shall be joined for a single disposition pursuant to §710 of the Real Property Tax Law on consent of counsel.
2. The years 2018, 2019, 2020, 2021 and 2022 final assessment on the petitioner's subject property tax parcel 97-1-28.1 (7 Route 17K) were fixed by the Assessor of the TOWN OF NEWBURGH as follows:

Assessment Year	Tax Map No.	Property Location	Property Assessed Value
2018	97-1-28.1	7 Route 17K	\$476,000
2019	97-1-28.1	7 Route 17K	\$476,000
2020	97-1-28.1	7 Route 17K	\$476,000
2021	97-1-28.1	7 Route 17K	\$476,000
2022	97-1-28.1	7 Route 17K	\$476,000

3. The years 2018, 2019, 2020, 2021 and 2022 final assessments on the petitioner's real property shall be corrected, reduced and revised in the following manner:

Assessment Year	Tax Map No.	Original Assessment	Revised Assessment	Reduction
2018	97-1-28.1	\$476,000	\$476,000	\$0
2019	97-1-28.1	\$476,000	\$476,000	\$0
2020	97-1-28.1	\$476,000	\$476,000	\$0
2021	97-1-28.1	\$476,000	\$450,000	\$26,000
2022	97-1-28.1	\$476,000	\$419,900	\$56,100

4. It is hereby stipulated and agreed that Real Property Tax Law § 727 shall apply to this proceeding. Acknowledging the applicability of Real Property Tax Law §727, Petitioner agrees not to file judicial petitions challenging the assessments of the subject properties in 2023, 2024, or 2025 and also not to file, after the date of this Stipulation, any administrative grievances with the Board of Assessment Review as long as the assessed valuations of the subject properties are not increased for 2023, 2024, or 2025, subject to any applicable statutory exceptions.

5. The Assessor of the TOWN OF NEWBURGH shall forthwith correct and revise the entry with respect to the final assessment rolls of the Town in a manner consistent with the provisions of the preceding paragraphs.

6. These revised and corrected assessments shall be administered in accordance with the provisions of Section 726 of the Real Property Tax Law and the TOWN OF NEWBURGH, the Newburgh City School District, the County of ORANGE, and any special district for which taxes are levied based on the assessment made subject to this agreement, shall forthwith audit, pay and refund to petitioner principal amounts of excess taxes paid by petitioner, all refund drafts being payable to "JANATA, LACAP & HAZEN, LLP, as attorneys for Petitioner"; and said refunds should be tendered to Janata, LaCap & Hazen, LLP, 155 North Main Street, New City, New York 10956. Said refunds shall be for repayment of excess principal taxes paid and shall be made in accordance with local refunding procedures established and provided for such cases. Petitioner waives statutory interest from all refunds paid by the Town, County and School District if paid within 60 days of service of this Consent Order and Judgment with notice of entry thereon.

7. If applicable, corrected or amended property tax bills shall be furnished to petitioner by the TOWN OF NEWBURGH, the County of ORANGE and/or the Newburgh City School District, for any subsequent tax billing date for which amended tax bills are in order consistent with the terms and conditions of this agreement.

8. The judicial proceeding as to the assessed value of the subject property in dispute for 2018, 2019, 2020, 2021 and 2022 are being simultaneously compromised, settled and discontinued in accordance with the terms of this agreement without costs or disbursements and the parties are signifying, by their subscribing to the terms and conditions hereof, a full final and binding settlement of the special proceedings entitled above.

9. This Consent Order will be submitted to the New York State Supreme Court

for signature and entry, and this proceeding shall thereupon be discontinued on the merits, without costs in favor of any party against another, subject to compliance with the refund provisions made part hereof. Any party may move this Court on notice to the other for any relief it shall deem appropriate for the construction or enforcement of this agreement.

DATED: _____, 2022

Jerrold F. Janata, Esq.
Janata, LaCap & Hazen, LLP
Attorney for Petitioner
155 North Main Street
New City, New York 10956

DATED: _____, 2022

Cathy L. Drobny, Esq.
E. Stewart Jones Hacker Murphy, LLP
Attorney for Respondent
200 Harborside Drive, Suite 300
Schenectady, NY 12305

DATED: _____, 2022

Ira S. Levy, Esq.
Shaw, Perelson, May & Lambert, LLP
Attorney for Intervenor - Respondent
115 Stevens Avenue
Valhalla, NY 10595

PRESENT: HON. ROBERT A. ONOFRY, JSC
BE IT SO ORDERED AND ADJUDGED.

DATED: _____, 2022
AT: Goshen, New York

HON. ROBERT A. ONOFRY, JSC

KH Orange Realty LLC v. T/C Newburgh/K Settlement

Year	Parcel Number	Assessed Value	Reduced AV	Eq. Rate	FMV	Reduced FMV	Difference AV and Reduced AV	Tax Rate	Refund Liability	
2018	97-1-28.1	\$476,000	\$476,000	34.00%	\$1,400,000	\$1,400,000	\$0	County	11.0305 \$	-
								Town	9.4132 \$	-
								Highway	5.4684 \$	-
								Goodwill fire	5.658 \$	-
								Consol It	0.3661 \$	-
								Consol wtr 1	1.4642 \$	-
								Consol wtr 2	6.1536 \$	-
								School	73.757176 \$	-
								Library	3.410414 \$	-
2019	97-1-28.1	\$476,000	\$476,000	32.20%	\$1,478,261	\$1,478,261	\$0	County	11.5799 \$	-
								Town	9.656 \$	-
								Highway	5.4916 \$	-
								Goodwill fire	5.7833 \$	-
								Consol It	0.3605 \$	-
								Consol wtr 1	1.4614 \$	-
								Consol wtr 2	2.5223 \$	-
								School	72.71954 \$	-
								Library	3.438765 \$	-
2020	97-1-28.1	\$476,000	\$476,000	29.95%	\$1,589,316	\$1,589,316	\$0	County	11.8689 \$	-
								Town	10.8692 \$	-
								Highway	4.7485 \$	-
								Goodwill fire	5.9959 \$	-
								Consol It	0.3617 \$	-
								Consol wtr 1	1.4641 \$	-
								Consol wtr 2	2.5209 \$	-
								School	71.885193 \$	-
								Library	3.542079 \$	-
2021	97-1-28.1	\$476,000	\$450,000	28.25%	\$1,684,956	\$1,592,920	\$26,000	County	12.1292 \$	315.36
								Town	10.8445 \$	281.96
								Highway	4.7344 \$	123.09
								Goodwill fire	5.8944 \$	153.25
								Consol It	0.3629 \$	9.44
								Consol wtr 1	1.4627 \$	38.03
								Consol wtr 2	2.5292 \$	65.76
								School	71.47331 \$	1,858.31
								Library	3.521783 \$	91.57
2022	97-1-28.1	\$476,000	\$419,900	24.70%	\$1,927,126	\$1,700,000	\$56,100	County	12.1292 \$	680.45
								Town	10.8445 \$	608.38
								Highway	4.7344 \$	265.60
								Goodwill fire	5.8944 \$	330.68
								Consol It	0.3629 \$	20.36
								Consol wtr 1	1.4627 \$	82.06
								Consol wtr 2	2.5292 \$	141.89
								School	71.391298 \$	4,005.05
								Library	3.589386 \$	201.36
								County	\$	923.74
								Town	\$	890.33
								Highway	\$	388.69
								Goodwill fire	\$	483.93
								Consol It	\$	25.79
								Consol wtr 1	\$	120.09
								Consol wtr 2	\$	207.65
								School	\$	5,863.36
								Library	\$	292.93
								County	\$	923.74
								Town	\$	890.33
								Highway	\$	388.69
								Goodwill fire	\$	483.93
								Consol It	\$	25.79
								Consol wtr 1	\$	120.09
								Consol wtr 2	\$	207.65
								School	\$	5,863.36
								Library	\$	292.93

2022 Town/County tax rates used to calculate refunds for 2022 proceeding

KH Orange Realty LLC v. T/C Newburgh, NY

Year	Parcel Number	Assessed Value	Claimed AV	Eq. Rate	FMV	Claimed FMV	Difference AV and Claimed AV	Tax Rate	Refund Liability	
2018	97-1-28.1	\$476,000	\$125,000	34.00%	\$1,400,000	\$387,647	\$351,000	County	11.0305 \$	3,871.71
								Town	9.4132 \$	3,304.03
								Highway	5.4584 \$	1,915.90
								Goodwill fire	5.658 \$	1,985.96
								Consol It	0.3561 \$	124.99
								Consol wtr 1	1.4642 \$	513.93
								Consol wtr 2	6.1536 \$	2,159.91
								School	73.757176 \$	25,866.77
								Library	3.410414 \$	1,197.06
2019	97-1-28.1	\$476,000	\$125,000	32.20%	\$1,478,261	\$388,199	\$351,000	County	11.5799 \$	4,064.54
								Town	9.656 \$	3,389.28
								Highway	5.4916 \$	1,927.55
								Goodwill fire	5.7833 \$	2,029.94
								Consol It	0.3605 \$	126.54
								Consol wtr 1	1.4614 \$	512.95
								Consol wtr 2	2.5223 \$	885.33
								School	72.71954 \$	25,524.56
								Library	3.438755 \$	1,207.00
2020	97-1-28.1	\$476,000	\$125,000	29.95%	\$1,589,318	\$417,362	\$351,000	County	11.8589 \$	4,165.98
								Town	10.8692 \$	3,815.09
								Highway	4.7485 \$	1,666.72
								Goodwill fire	5.9959 \$	2,104.56
								Consol It	0.3617 \$	126.96
								Consol wtr 1	1.4641 \$	513.90
								Consol wtr 2	2.5209 \$	884.84
								School	71.885193 \$	25,231.70
								Library	3.542079 \$	1,243.27
2021	97-1-28.1	\$476,000	\$125,000	28.25%	\$1,684,956	\$442,478	\$351,000	County	12.1292 \$	4,257.35
								Town	10.8445 \$	3,806.42
								Highway	4.7344 \$	1,661.77
								Goodwill fire	5.8944 \$	2,068.93
								Consol It	0.3629 \$	127.38
								Consol wtr 1	1.4627 \$	513.41
								Consol wtr 2	2.5292 \$	887.75
								School	71.47331 \$	25,087.13
								Library	3.521763 \$	1,236.15
2022	97-1-28.1	\$476,000	\$125,000	24.70%	\$1,927,126	\$508,073	\$351,000	County	12.1292 \$	4,257.35
								Town	10.8445 \$	3,806.42
								Highway	4.7344 \$	1,661.77
								Goodwill fire	5.8944 \$	2,068.93
								Consol It	0.3629 \$	127.38
								Consol wtr 1	1.4627 \$	513.41
								Consol wtr 2	2.5292 \$	887.75
								School	71.391298 \$	25,058.36
								Library	3.569386 \$	1,259.87
								County	\$	20,168.00
								Town	\$	18,121.22
								Highway	\$	8,833.72
								Goodwill fire	\$	10,258.33
								Consol It	\$	633.24
								Consol wtr 1	\$	2,567.60
								Consol wtr 2	\$	5,705.58
								School	\$	126,790.51
								Library	\$	6,143.35
2022 Town/County tax rates used to calculate refunds for 2022 proceeding										



Image Mate Online

Navigation GIS Map Tax Maps | DTF Links

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- Property Info
- Owner/Sales
- Inventory
- Improvements

Tax Info

Report

Comparables

Municipality of Newburgh

SWIS:	334600	Tax ID:	97-1-28.1
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Tax Map ID / Property Data

Status:	Active	Roll Section:	Taxable
Address:	7 Route 17K		
Property Class:	447 - Truck termnl	Site Property Class:	447 - Truck termnl
Ownership Code:			
Site:	Com 1	In Ag. District:	No
Zoning Code:	04 -	Bldg. Style:	Not Applicable
Neighborhood:	41126 -	School District:	Newburg
Property Description:	Favoriti Submap 151-94 TMRV 2/19/13		
Total Acreage/Size:	3.00	Equalization Rate:	----
Land Assessment:	2022 - \$193,000	Total Assessment:	2022 - \$476,000
Full Market Value:	2022 - \$1,927,100		
Deed Book:	13487	Deed Page:	644
Grid East:	615300	Grid North:	972476
Bank Code:	0190025		

Special Districts for 2022

Description	Units	Percent	Type	Value
AM010-Newburgh Ambulance	0	0%		0
FD029-Goodwill fire	0	0%		0
LT004-Consol It	0	0%		0
WD001-Consol wtr 1	0	0%		0
WD002-Consol wtr 2	0	0%		0

Land Types

Photographs

No Photo Available

Pictometry Connect

Documents

No documents found for this parcel

Maps

- [View Tax Map](#)
- [Pin Property on GIS Map](#)
- [View in Google Maps](#)
- [View in Bing Maps](#)

Map Disclaimer

Type	Size
Primary	2.20 acres



Image Mate Online

Navigation GIS Map Tax Maps | DTF Links

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Commercial

- Property Info
- Owner/Sales
- Inventory
- Improvements
- Tax Info
- Report
- Comparables

Municipality of Newburgh

SWIS:	334600	Tax ID:	97-1-28.1
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Ownership Information

Name	Secondary Name	Address
KH Orange Realty LLC		10 Arbor Dr Campbell Hall NY 10916

Sale Information

Sale Date	Price	Property Class	Sale Type	Prior Owner
3/22/2001	\$10	431 - Auto dealer	Land & Building	Carroll George M
	Value Usable	Arms Length	Deed Book	Deed Page
	No	No	5483	265

Additional Parcels Involved in Sale	23-1-1 in Newburgh 97-1-27.1 in Newburgh
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Historic Deed Information

Photographs

No Photo Available

Pictometry Connect

Documents

No documents found for this parcel

Maps

- View Tax Map
- Pin Property on GIS Map
- View in Google Maps
- View in Bing Maps
- Map Disclaimer



SECTION 80

SECTION 98

SECTION 98

SECTION 99

SECTION 100

SECTION 110

BROOKSIDE POND

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At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the ___th day of December, 2022 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF TOWN BOARD
AUTHORIZING SETTLEMENT OF
PROCEEDINGS UNDER ARTICLE
7 OF THE REAL PROPERTY

TAX LAW:

SBL #97-1- 28.1

KH ORANGE REALTY, LLC

(7 ROUTE 17K)

INDEX NUMBERS 2018-EF007908, 2019-
EF005795, 2020-EF003244, 2021-EF004951
and 2022-EF003717

Councilman/woman _____ presented the following resolution which was seconded by Councilman/woman _____.

WHEREAS, KH Orange Realty, LLC (the "Petitioner") has instituted proceedings under Article 7 of the Real Property Tax Law by which Petitioner seeks to obtain judicial review and reduction of the assessment of real property in the Town of Newburgh, Orange County, New York, consisting of a school bus/truck terminal and related improvements located on a parcel of land at 7 Route 17K (Section 97-Block 1-Lot 28.1) on the tax assessment roll for the tax years 2018, 2019, 2020, 2021 and 2022; and

WHEREAS, special counsel to the Town, E. Stewart Jones Hacker Murphy, LLP, has negotiated a settlement of the proceeding with the Petitioner, the terms of which are embodied in a proposed Consent Order and Judgment annexed hereto and recommended that the Town Board authorize the settlement; and

WHEREAS, after review and discussion, the Town Board has determined it to be in the best interests of the Town to authorize the settlement.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes and directs E. Stewart Jones Hacker Murphy, LLP to execute and deliver the Consent Judgment on behalf of the Town; and

BE IT FURTHER RESOLVED, that E. Stewart Jones Hacker Murphy, LLP, the Supervisor, the Attorney for the Town, the Town's Assessor and other officers of the Town are hereby authorized to take such actions and to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, documents and papers as may be necessary to effectuate and carry out the settlement; and

BE IT FURTHER RESOLVED that the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Elizabeth J. Greene, Councilwoman voting _____

Paul I. Ruggiero, Councilman voting _____

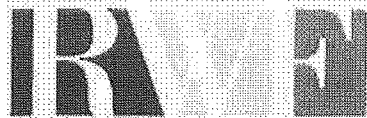
Scott M. Manley, Councilman voting _____

Anthony R. LoBiondo, Councilman voting _____

Gilbert J. Piaquadio, Supervisor voting _____

The resolution was thereupon declared duly adopted.

#17B



Rider Weiner & Frankel P.C.
ATTORNEYS & COUNSELORS AT LAW

Attorney-Client privileged
MEMORANDUM

TO: HON. GILBERT J. PIAQUADIO, SUPERVISOR
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: SETTLEMENT OF TAX CERTIORARI (2019, 2020, 2021
AND 2022);
DRA FIDELCO NEWBURGH, LLC (68 STEWART AVENUE)
OUR FILE NO. 800.24

DATE: DECEMBER 8, 2022

P: 845.562.9100
F: 845.562.9126
655 Little Britain Road
New Windsor, NY 12553
P.O. Box 2280
Newburgh, NY 12550

ATTORNEYS
David L. Rider
Charles E. Frankel
Michael J. Matsler
Mark C. Taylor
Deborah Weisman-Estis
M. Justin Rider

M. J. Rider
(1906-1968)
Elliott M. Weiner
(1915-1990)

COUNSEL
Stephen P. Duggan, III
John K. McGuirk
(1942-2018)

OF COUNSEL
Craig F. Simon
Irene V. Villacci

Enclosed are copies of a letter from Cathy Drobny, Esq. of E. Stewart Jones, Hacker Murphy regarding the above referenced proposed settlement, a proposed Consent Order and Judgment and Stipulation Discontinuing Action and charts showing the claimed refund liabilities and the approximate refunds that will be due from the taxing jurisdictions under the proposed settlement of the above referenced real property tax assessment appeal. Also enclosed is a map showing the location of the tax parcel which is the subject of the proceedings which contains an apartment complex on Stewart Avenue.

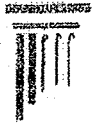
The settlement provides for a discontinuance of the 2019, 2020 and 2021 proceeding and a reduction in assessed value of \$375,000 from \$7,062,400 to \$6,687,400 for 2022. The Consent Order and Judgment specifies that the provisions of RPTL Section 727 apply, holding the Assessed Value at \$6,687,400 for the 2023, 2024 and 2025 assessment rolls, subject to the statutory exceptions.

The chart indicates that the refund liability for the Town (including Highway but not including special districts and the Fire District) will be approximately \$5,841.99 versus claimed refund liability of approximately \$198,414.47. The Newburgh Enlarged City School District's attorneys will be signatories on the Consent Order and Judgment as well.

Also attached is a proposed resolution which would authorize the Settlement.

MCT/sel
Enc.

cc: Lisa M. Vance Ayers, Town Clerk
Molly Carhart, Assessor (via e-mail)
Joseph P. Pedi, Receiver of Taxes (via e-mail)
Ronald Clum, Town Accountant (via e-mail)
Cathy L. Drobny, Esq. (via e-mail)



E. STEWART
Jones Hacker Murphy LLP
 ATTORNEYS & COUNSELORS AT LAW

Please send all mail to:
 SCHENECTADY

November 23, 2022

MAIN OFFICE:
 28 SECOND STREET
 TROY, NY 12180

VIA E-MAIL - mtaylor@riderweiner.com

Mark C. Taylor, Esq.
 Rider, Weiner & Frankel, P.C.
 P.O. Box 2280
 Newburgh, New York 12550

200 HARBORSIDE DRIVE, SUITE 300
 SCHENECTADY, NY 12305

511 BROADWAY
 SARATOGA SPRINGS, NY 12868

41 STATE STREET, SUITE 604-05
 ALBANY, NY 12207

PHONE: (518) 274-5820
 FAX: (518) 274-5875

RE: DRA Fidelco Newburgh, LLC v. Town of Newburgh
 Index Nos. EF005976-2019; EF003856-2020; EF005211-2021
 & EF003898-2022
 Our File No. 5018.166

www.joneshacker.com

Dear Mark;

Attached please find the proposed Consent Order & Judgment relative to the above referenced proceedings. There are currently four years pending.

The subject parcel is a large apartment complex (+/-188 units) located at 68 Stewart Avenue (Tax Map #97-1-65.2). The 2022 FMV as assessed is \$28,592,700 (assessed value is \$7,062,400 for all years). After review of the income and expense statements, rent rolls and other supporting documents, and similar properties, this settlement was negotiated.

The proposed settlement discontinues the 2019, 2020 and 2021 proceedings (FMV of \$21,932,900 in 2019, \$23,580,600 in 2020, \$24,999,600 in 2021) and reduces the 2022 assessment to an equalized FMV of \$27,074,493 (AV \$6,687,400). The 2022 assessed value as reduced will be held for 2023, 2024 and 2025 pursuant to RPTL §727. After considering the costs of trial-ready appraisals and future litigation, we feel that this is a good settlement.

I have attached for your review a copy of the refund liability charts, which show the potential liability versus the proposed settlement refund liability.

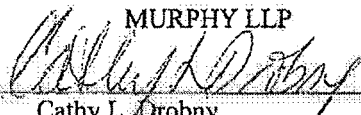
We recommend that the Town Board authorize us to enter into this settlement as proposed. Please place this matter on the agenda for the next Newburgh Town Board meeting for approval. Once the Resolution passes, please let me know and I will sign the Order.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

E. STEWART JONES HACKER
 MURPHY LLP

By:



Cathy L. Drobny
cdrobny@joneshacker.com
 Direct Dial: (518) 213-0116

CLD:kah
 Attachments
 cc: Molly Carhart, Assessor
 Gilbert Piaquadio, Supervisor

At a Special Term of the Supreme Court of the State of New York, held in and for the County of Orange, at the Orange County Courthouse, 285 Main Street, Goshen, New York, on the ____ day of _____, 2022

P R E S E N T:

J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
DRA FIDELCO NEWBURGH, LLC,

Petitioner,

-against-

BOARD OF ASSESSORS FOR THE TOWN OF
NEWBURGH and TOWN OF NEWBURGH,

Respondents.

**CONSENT ORDER
AND JUDGMENT**

Index No.:
EF003898-2022

SBL: 97-1-65.2

-----X
Petitioner, DRA FIDELCO NEWBURGH, LLC, having dully commenced this proceeding pursuant to Article 7 of the Real Property Tax Law, to review and reduce the assessment fixed by the Respondent, Town of Newburgh, for tax year 2022-23, upon certain real property constituting an assessment parcel and designated on the assessment rolls of the Town of Newburgh, parcel identification Section 97 Block 1 Lot 65.2; and

The issues of these proceedings having duly come before the Court at a Special Term of this Court, and the Petitioner, DRA FIDELCO NEWBURGH, LLC, having appeared by Jacobowitz and Gubits, LLP (Kara J. Cavallo, Esq.), and the Respondents, BOARD OF ASSESSORS FOR THE TOWN OF NEWBURGH and TOWN OF NEWBURGH, having appeared by Jones, Hacker & Murphy, LLP (Cathy L. Drobny, Esq.), and the parties having made their settlement; it is hereby

ORDERED, ADJUDGED AND DECREED that the assessment of Petitioner's above-described property, be and the same hereby is reduced, corrected and fixed for the above-stated tax years on the assessment rolls of the Town of Newburgh and County of Orange, as follows:

SBL:

TAX YEAR	ORIGINAL ASSESSED VALUE	REDUCTION	REVISED ASSESSED VALUE
2022	\$7,062,400	\$375,000	\$6,687,400

And so reduced and confirmed; and it is further

ORDERED, ADJUDGED AND DECREED that the officer or officers having the custody of the assessment rolls upon which the above-mentioned assessments and taxes levied thereon are entered, shall correct the said entries in conformity with the judgment and shall note upon the margin of said rolls, opposite said entries, that the same have been corrected by the authorization of this Consent Order and Judgment; and it is further

ORDERED AND DIRECTED that there shall be audited, allowed and paid to Jacobowitz and Gubits, LLP, attorneys for the Petitioner, DRA FIDELCO NEWBURGH, LLC, by the NEWBURGH ENLARGED CITY SCHOOL DISTRICT, the amount of School and Library taxes paid by the Petitioner as taxes against the same erroneous assessment in excess of what the taxes would have been if the assessment made in the aforesaid year had been determined by this Consent Order and Judgment, without interest provided payment is made within sixty (60) days from service of copy of this Consent Order and Judgment with Notice of Entry, and in the event payment is not so made, with interest in accordance with statute, together with the amounts of interest, if any, paid on such excess by reason of any delinquent payment; and it is further

ORDERED AND DIRECTED that there shall be audited, allowed and paid to Jacobowitz and Gubits, LLP, attorneys for the Petitioner, DRA FIDELCO NEWBURGH, LLC, by the TOWN OF NEWBURGH, and/or the County of Orange, as the case may be where applicable, the amounts, if any, of State of New York, Judiciary, Sewer, Town of Newburgh, Library, and Special District taxes, paid by the Petitioner as taxes against the erroneous assessment in excess of what the taxes would have been if the assessment had been as determined by this Consent Order and Judgment, without interest provided payment is made within sixty (60) days from service of a copy of this Consent Order and Judgment with Notice of Entry, and in the event payment is not so made, with interest in accordance with statute, together with the amounts of interest, if any, paid on such excess by reason of any delinquent payment; and it is further

ORDERED AND DIRECTED that the Commissioner of Finance of the County of Orange, State of New York, be and hereby is authorized and directed to audit, allow and to pay to Jacobowitz and Gubits, LLP, attorneys for the Petitioner, DRA FIDELCO NEWBURGH, LLC, the amounts, if any, of State of New York, County of Orange, Judiciary, Sewer District, and any special County of Orange taxes paid by the Petitioner as taxes against said erroneous assessment in excess of what the taxes should have been if said assessment had been as determined by this Consent Order and Judgment, without interest if payment is made within sixty (60) days from service of a copy of this Consent Order and Judgment with Notice of Entry, upon the Commissioner of Finance, and in the event payment is not so made, with interest in accordance with statute, together with the amounts of interest, if any, paid on such excess by reason of any delinquent payment; and it is further

ORDERED, ADJUDGED AND DECREED that the terms of Real Property Tax Law § 727 shall apply to this settlement, Consent Order and Judgment in accordance with its terms; and it is further

ORDERED, ADJUDGED AND DECREED that the parties and attorneys signing this Consent Order and Judgment have the necessary authority to do so, that said parties have duly agreed to this settlement, taken the necessary action to do so and duly authorized and empowered the persons signing this Consent Order and Judgment to do so; and it is further,

ORDERED, ADJUDGED AND DECREED that this Consent Order and Judgment hereby constitutes and represents full settlement of each of the tax review proceedings set forth above, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Consent Order and Judgment, the above-entitled proceedings be and the same are settled and discontinued.

Dated: _____, 2022
Goshen, New York

ENTER:

HON. E. _____, J.S.C.

Entry of the foregoing Order
Is hereby consented to:

BY: KARA J. CAVALLO, ESQ.
JACOBOWITZ & GUBITS, LLP
Attorneys for Petitioner

BY: CATHY L. DROBNY, ESQ.
JONES, HACKER & MURPHY, LLP
Attorneys for Respondents

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----x
DRA FIDELCO NEWBURGH, LLC,

Petitioner,

-against-

BOARD OF ASSESSORS FOR THE TOWN OF
NEWBURGH and TOWN OF NEWBURGH,

Respondents.
-----x

**STIPULATION
DISCONTINUING ACTION**

Index Nos.:

EF005976-2019

EF003856-2020

EF005211-2021

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the action, the above-entitled action be, and the same hereby is discontinued, without costs to either party as against the other. This Stipulation may be filed without further notice with the Clerk of the Court.

IT IS FURTHER STIPULATED AND AGREED, that this stipulation may be executed in any number of counterparts, taken together, shall constitute one and the same instrument. Facsimile and /or emailed scanned signatures to this stipulation may be treated as original signatures.

DATED: Walden, New York
October ____, 2022

KARA J. CAVALLO, ESQ.
Attorneys for Petitioner

JACOBOWITZ & GUBITS, LLP
158 Orange Avenue, P.O. Box 367
Walden, New York 12586

CATHY L. DROBNY, ESQ.
Attorneys for Respondents

JONES, HACKER & MURPHY, LLP
200 Harborside Drive Suite 300
Schenectady, New York 12305

DRA Fidelity Newburgh LLC - Town of Newburgh

Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference AV and Claimed AV	Tax Rate		Refund Liability
2019	97-1-65.2	\$7,082,400	\$4,237,282	32.20%	\$21,932,919	\$13,159,199	\$2,825,138	County	11.5799	\$ 32,714.82
								Town	9.659	\$ 27,279.53
								Highway	5.4918	\$ 15,514.53
								Orange Lk fire	4.1105	\$ 11,612.73
								Consol It	0.3605	\$ 1,018.46
								Consol wtr 1	1.4614	\$ 4,128.66
								Consol wtr 2	2.5223	\$ 7,126.85
								School	72.71954	\$ 205,442.74
								Library	3.438755	\$ 9,714.98
								2020	97-1-65.2	\$7,082,400
Town	10.8592	\$ 30,706.99								
Highway	4.7485	\$ 13,415.17								
Orange Lk fire	4.114	\$ 11,622.62								
Consol It	0.3617	\$ 1,021.85								
Consol wtr 1	1.4641	\$ 4,136.28								
Consol wtr 2	2.5209	\$ 7,121.89								
School	71.865193	\$ 203,085.59								
Library	3.542079	\$ 10,008.86								
2021	97-1-65.2	\$7,082,400	\$3,717,474	28.25%	\$24,999,646	\$13,159,200	\$3,344,926			
								Town	10.8445	\$ 36,274.06
								Highway	4.7344	\$ 15,836.22
								Orange Lk fire	4.2357	\$ 14,188.10
								Consol It	0.3629	\$ 1,213.67
								Consol wtr 1	1.4627	\$ 4,692.62
								Consol wtr 2	2.5292	\$ 8,459.99
								School	71.47931	\$ 238,072.93
								Library	3.521783	\$ 11,780.10
								2022	97-1-65.2	\$7,082,400
Town	10.8445	\$ 41,340.08								
Highway	4.7344	\$ 18,047.90								
Orange Lk fire	4.2357	\$ 18,146.82								
Consol It	0.3629	\$ 1,383.40								
Consol wtr 1	1.4627	\$ 5,575.93								
Consol wtr 2	2.5292	\$ 9,641.51								
School	71.391298	\$ 272,148.20								
Library	3.589386	\$ 13,683.02								
								Town		\$ 94,260.67
								Highway		\$ 44,766.91
								Orange Lk FD		\$ 37,403.45
								Consol It		\$ 3,264.19
								Consol wtr 1		\$ 13,157.58
								Consol wtr 2		\$ 22,707.72
								School		\$ 647,601.26
								Library		\$ 31,501.92
<p align="center">2021 Town/County tax rates used to calculate refund for 2022</p>										

DRA Fidco Newburgh LLC v. Town of Newburgh Settlement

Year	Parcel Number	Assessed Value	Reduced Assessed Value	Eq. Rate	FMV	Reduced FMV	Difference AV and Reduced AV	Tax Rate		Refund Liability							
2019	97-1-85.2	\$7,062,400	\$7,062,400	32.20%	\$21,932,919	\$21,932,919	\$0	County	11.5799	\$ -							
								Town	9.856	\$ -							
								Highway	5.4916	\$ -							
								Orange Lk fire	4.1105	\$ -							
								Consol It	0.3606	\$ -							
								Consol wtr 1	1.4814	\$ -							
								Consol wtr 2	2.5223	\$ -							
								School	72.71954	\$ -							
								Library	3.438755	\$ -							
2020	97-1-85.2	\$7,062,400	\$7,062,400	29.95%	\$23,580,834	\$23,580,834	\$0	County	11.9899	\$ -							
								Town	10.8892	\$ -							
								Highway	4.7485	\$ -							
								Orange Lk fire	4.114	\$ -							
								Consol It	0.3617	\$ -							
								Consol wtr 1	1.4841	\$ -							
								Consol wtr 2	2.5209	\$ -							
								School	71.885193	\$ -							
								Library	3.542079	\$ -							
2021	97-1-85.2	\$7,062,400	\$7,062,400	28.26%	\$24,999,646	\$24,999,646	\$0	County	12.1292	\$ -							
								Town	10.8445	\$ -							
								Highway	4.7344	\$ -							
								Orange Lk fire	4.2357	\$ -							
								Consol It	0.3629	\$ -							
								Consol wtr 1	1.4827	\$ -							
								Consol wtr 2	2.5292	\$ -							
								School	71.47331	\$ -							
								Library	3.521783	\$ -							
2022	97-1-85.2	\$7,062,400	\$6,887,400	24.70%	\$28,592,713	\$27,074,494	\$375,000	County	12.1292	\$ 4,548.45							
								Town	10.8445	\$ 4,066.89							
								Highway	4.7344	\$ 1,775.40							
								Orange Lk fire	4.2357	\$ 1,588.39							
								Consol It	0.3629	\$ 136.09							
								Consol wtr 1	1.4827	\$ 548.51							
								Consol wtr 2	2.5292	\$ 948.45							
								School	71.391298	\$ 26,771.74							
								Library	3.589386	\$ 1,346.02							
								2021 Town/County tax rates used to calculate refund for 2022								County	\$ 4,548.45
																Town	\$ 4,066.89
																Highway	\$ 1,775.40
																Orange Lk FD	\$ 1,588.39
								Consol It	\$ 136.09								
								Consol wtr 1	\$ 548.51								
								Consol wtr 2	\$ 948.45								
								School	\$ 26,771.74								
								Library	\$ 1,346.02								



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- Comparables

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- Inventory
- Improvements
- Tax Info
- Report
- Comparables

Municipality of Newburgh

SWIS:	334600	Tax ID:	97-1-65.2
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Tax Map ID / Property Data

Status:	Active	Roll Section:	Taxable
Address:	68 Stewart Ave		
Property Class:	411 - Apartment	Site Property Class:	411 - Apartment
Ownership Code:			
Site:	Res 1	In Ag. District:	No
Zoning Code:		Bldg. Style:	0
Neighborhood:	41126 -	School District:	Newburg
Property Description:	Parcel summit lane at nwbrgh sub map 187-13 filed 6/5/13		
Total Acreage/Size:	31.60	Equalization Rate:	----
Land Assessment:	2022 - \$863,400	Total Assessment:	2022 - \$7,062,400
Full Market Value:	2022 - \$26,592,700		
Deed Book:	14236	Deed Page:	1971
Grid East:	612052	Grid North:	975972
Bank Code:	0191005		

Special Districts for 2022

Description	Units	Percent	Type	Value
AM010-Newburgh Ambulance	0	0%		0
FD030-Orange IK fire	0	0%		0
LT004-Consol II	0	0%		0
WD001-Consol wtr 1	0	0%		0
WD002-Consol wtr 2	0	0%		0

Land Types

Type	Size
Primary	26.70 acres

Photographs

(Click on photo to enlarge it.)

Photo

Photo 1 of 15 →

Pictometry Connect

Documents

No documents found for this parcel

Maps

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 - Improvements
 - Tax Info
 - Report
 - Comparables

Municipality of Newburgh

SWIS:	334600	Tax ID:	97-1-65.2
-------	--------	---------	-----------

Ownership Information


Name	Secondary Name	Address
DRA Fidelco Newburgh LLC		350 Main Rd Ste 201 Montville NJ 07045

Sale Information


No Sales Information Available

Photographs

(Click on photo to enlarge it.)



Photo

Photo 1 of 16 

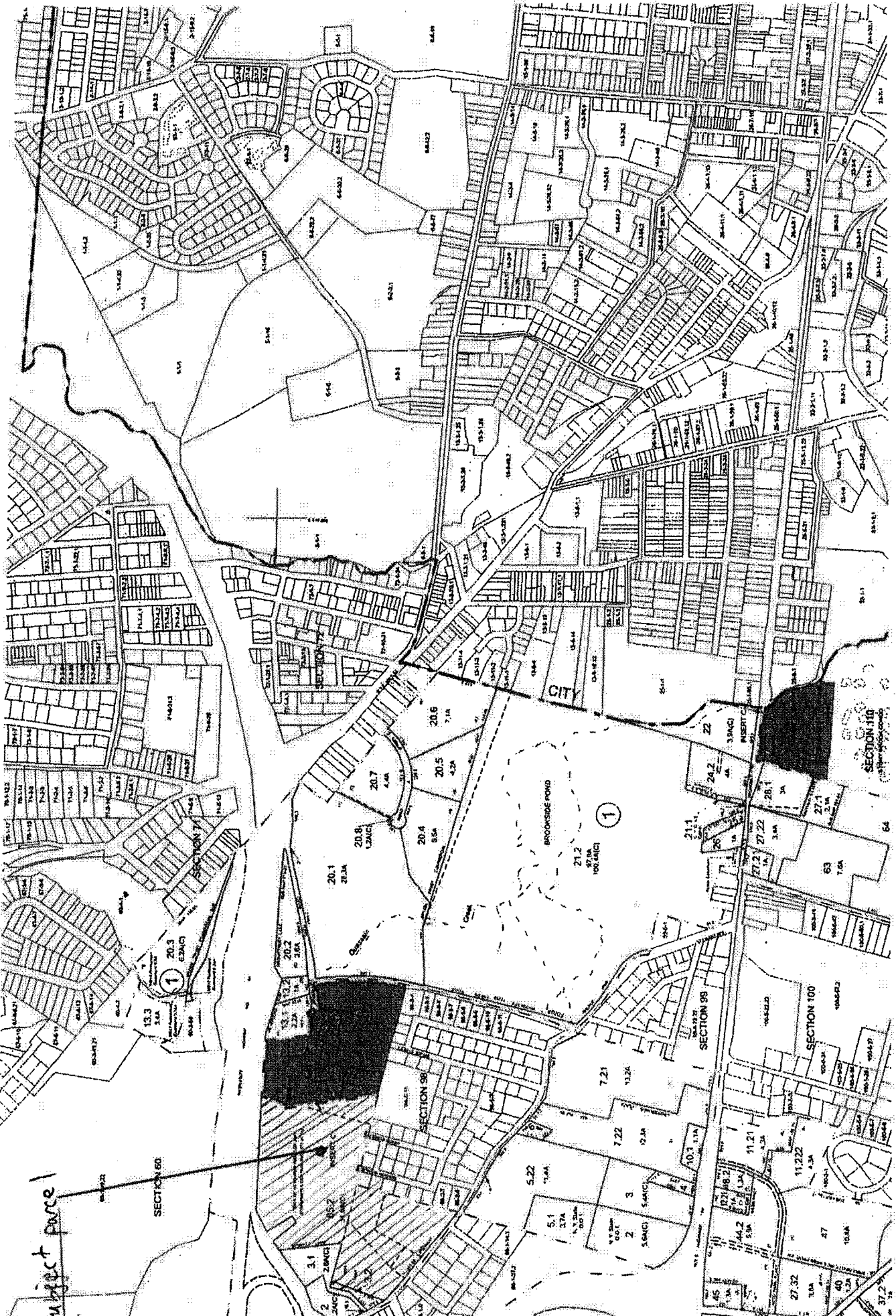
Pictometry Connect

Documents
No documents found for this parcel

Maps

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- Pin Property on GIS Map
- View in Google Maps
- View in Bing Maps

Map Disclaimer



subject parcel

SECTION 98

SECTION 99

SECTION 100

CITY

BROOKSIDE POND

20.3
E.2ACD

20.2
E.2ACD

20.1
E.2ACD

20.8
L.2ACD

20.7
A.4A

20.6
7.1A

20.5
A.2A

21.2
97.1A
100.0A(C)

21.1
A.2A

21.0
A.2A

20.9
A.2A

20.8
A.2A

20.7
A.2A

20.6
A.2A

20.5
A.2A

20.4
A.2A

20.3
A.2A

20.2
A.2A

20.1
A.2A

20.0
A.2A

19.9
A.2A

19.8
A.2A

19.7
A.2A

19.6
A.2A

19.5
A.2A

19.4
A.2A

19.3
A.2A

19.2
A.2A

19.1
A.2A

19.0
A.2A

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the ___th day of December, 2022 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF TOWN BOARD
AUTHORIZING SETTLEMENT OF
PROCEEDINGS UNDER ARTICLE
7 OF THE REAL PROPERTY

TAX LAW:

SBL #97-1- 65.2

DRA FIDELCO NEWBURGH, LLC
(68 STEWART AVENUE)

INDEX NUMBERS 2019-EF005976, 2020-
EF003856, 2021-EF005211 and 2022-
EF003898

Councilman/woman _____ presented the following resolution which was seconded
by Councilman/woman _____.

WHEREAS, KH Orange Realty, LLC (the "Petitioner") has instituted proceedings under Article 7 of the Real Property Tax Law by which Petitioner seeks to obtain judicial review and reduction of the assessment of real property in the Town of Newburgh, Orange County, New York, consisting of an apartment complex and related improvements located on a parcel of land at 68 Stewart Avenue (Section 97-Block 1-Lot 65.2) on the tax assessment roll for the tax years 2019, 2020, 2021 and 2022; and

WHEREAS, special counsel to the Town, E. Stewart Jones Hacker Murphy, LLP, has negotiated a settlement of the proceeding with the Petitioner, the terms of which are embodied in a proposed Consent Order and Judgment and a proposed Stipulation Discontinuing Action annexed hereto and recommended that the Town Board authorize the settlement; and

WHEREAS, after review and discussion, the Town Board has determined it to be in the best interests of the Town to authorize the settlement.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes and directs E. Stewart Jones Hacker Murphy, LLP to execute and deliver the Consent Judgment and Stipulation Discontinuing Action on behalf of the Town; and

BE IT FURTHER RESOLVED, that E. Stewart Jones Hacker Murphy, LLP, the Supervisor, the Attorney for the Town, the Town's Assessor and other officers of the Town are hereby authorized to take such actions and to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, documents and papers as may be necessary to effectuate and carry out the settlement; and

BE IT FURTHER RESOLVED that the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.